

REMARKS:

In the Office Action dated October 29, 2008, the Examiner rejects Claims 1 to 18, 20 to 21, 23 to 25, 29 to 31 and 33 to 35 on the basis of Voogd et al in view Huisma et al. Firstly, what the Examiner is referring to as a tunnel in Figure 1 cannot be reasonably considered to be a tunnel and is certainly not described as a tunnel in the patent. In the present application, the main housing 4 would be considered to be a tunnel. The tunnel in the present application is the narrow passageway 10 extending out of the front of the housing 4. Huisma does not have a tunnel at all.

Secondly, the Examiner describes the adjustable neck bars 6 of Huisma as being a baffle. Bars cannot be considered to be a baffle and would not be reasonably described as such.

Thirdly, the Examiner describes the platform 4 upon which the animal stands outside of the area that the Examiner describes as a tunnel as being a ridge that extends from the baffle beneath the opening to make any animal occupying the opening uncomfortable. The platform 4 of Huisma is simply a horizontal surface upon which the animal using the system rests its front hooves. There is no indication whatsoever in the Huisma patent that the purpose of the platform is to make the animal feel uncomfortable. In fact, in Column 3 beginning at line 57, the Huisma patent states that the invention "comprises a non-confining measurement unit (1) by which it is to be understood that an animal is not physically confined by the structure of the measurement unit (1). The animal is free to come and go at its own will with respect to interaction with the measurement unit (1)." With the present invention, the animal is lying in the tunnel with its body in the opening and extending along the upper edge of the ridge. The ridge of the present application clearly makes the animal uncomfortable. Further, the platform of Huisma, is not located within the tunnel that the Examiner describes as having a top and sides. It is therefore respectfully submitted that the rejection in Paragraph 2 of the Office Action be withdrawn.

On Page 3, in Paragraphs 1 and 2 of the Office Action the Examiner rejects Claim 6, 9, 15 and 33. It is respectfully submitted that those rejections should be withdrawn as the base claims are allowable.

In Paragraph 3 which commences on page 3 of the Office Action, the Examiner rejects Claims 11, 12, 17, 29, 30 and 35 on the basis of Voogd as modified by Huisma. The Examiner states that the sensor 7, 37, 34 records first approaches (Column 6, lines 41 to 48) and first tastes

(Column 9, lines 9 to 15) of each food source in the memory. Column 6, lines 41 to 48 of the Voogd patent describes an identification means 7 and states that with the aid of identification means, the identity of the animal present at a feed trough 6 is automatically detected and established. The patent then goes on to describe in lines 48 to 54 that with the aid of the data stored in memory, the amounts of feed types intended for that animal can then be supplied in a particular ratio or order or both. When the applicant describes first approaches, the animal is given a choice of two or more feed sources and it is the animal that decides which feed source it will first approach. While Voogd describes an identification means for the animal, there is no choice of feed types offered to the animal in Voogd. As stated above, the Voogd system identifies the animal and then supplies the amounts of feed types intended for that animal to that animal. Further, in Column 9, lines 9 to 15 of Voogd, the Voogd patent describes a measuring device 34 that determines how much feed the relevant cow has consumed during the feeding time. There is nothing in Column 9, lines 9 to 15 that monitor first tastes in the manner described in the present invention. First tastes, like first approaches involve the animal having the choice of two or more feed sources and the system recording in memory which feed source the animal first approaches and which feed source the animal first tastes. With Voogd, there really only is one feed source and therefore the rejection of Claims 11, 12, 17, 29, 30 and 35 based on Voogd as described in Paragraph 3 on page 3 of the Office Action should be withdrawn.

In Paragraph 4 of the Office Action on page 3, the Examiner states that Huisma discloses a method for feeding animals including a tunnel outside the barrier. A baffle in the tunnel is sized to allow passage of only one animal. In addition, the Examiner states that Huisma describes a ridge (4) to extend from the baffle beneath the opening to make any animal occupying the opening uncomfortable. Applicant respectfully takes issue with the interpretation of Huisma by the Examiner.

In Paragraph 7 of the Office Action, the Examiner rejects Claims 19 and 26 as being unpatentable over Voogd in view of Huisma and further in view of Hayes. Since the base claims as revised, are allowable, it is respectfully submitted that Claims 19 and 26 are also allowable and the rejection should be withdrawn.

In Paragraph 12 of the Office Action, the Examiner rejects Claims 22, 27, 28 and 32 as being unpatentable over Voogd in view of Huisma and further in view of Hayes. Again, in view of the revised claims, the base claims are allowable and therefore the rejection of Claims 22, 27, 28 and 32 should be withdrawn.

It is therefore respectfully submitted that the rejection of the Claims as set out in the Office Action should be withdrawn. While Applicant is of the view that it was not necessary to revise these claims, Applicant has revised the claims in order to advance the prosecution of the application. An extension fee of one month will be paid at the time of filing this response and the RCE. The fee for the RCE will be paid at that time as well.

It is respectfully submitted that the application is now in condition for allowance.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Daryl W. Schnurr', is written over the printed name.

Daryl W. Schnurr
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